



SPOKANE COUNTY
WATER CONSERVANCY BOARD
Application for Change/Transfer
Record of Decision

For Ecology Use Only

Received: **JAN 30 2013**
Date Stamp
DEPARTMENT OF ECOLOGY
EASTERN REGIONAL OFFICE

Reviewed by: _____
Date Reviewed: _____

Applicant: Whitworth Water Dist. #2

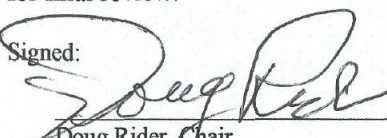
Application Number SPOK-12-04

This record of decision was made by a majority of the board at an open public meeting of the Spokane County Water Conservancy Board held on January 28, 2013. The undersigned board commissioners certify that they each understand the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that each commissioner, having reviewed the report of examination, knows and understands the content of the report.

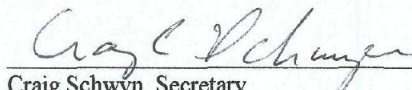
☒ **Approval:** The Spokane County Water Conservancy Board hereby **grants** conditional approval for the water right transfer described and conditioned within the report of examination on January 28, 2013 and submits this record of decision and report of examination to the Department of Ecology for final review.

☐ **Denial:** The (board name) Water Conservancy Board hereby **denies** conditional approval for the water right transfer as described within the report of examination on (date report of exam was signed) and submits this record of decision to the Department of Ecology for final review.


Signed:


Doug Rider, Chair
Spokane County Water Conservancy Board

Date: 1-28-13
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐


Craig Schwyn, Secretary
Spokane County Water Conservancy Board

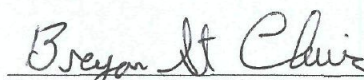
Date: 1/28/2013
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐


Stan Schultz, Vice Chair
Spokane County Water Conservancy Board

Date: 1/28/13
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

George Schlender, Board Member
Spokane County Water Conservancy Board

Date: _____
Approve ☐
Deny ☐
Abstain ☐
Recuse ☐
Other ☐


Bryan St. Clair, Board Member
Spokane County Water Conservancy Board

Date: 1/28/13
Approve ☒
Deny ☐
Abstain ☐
Recuse ☐
Other ☐

Mailed with all related documents to the Dept of Ecology Eastern Regional Office, and other interested parties on January 29, 2013.

If you have special accommodation needs or require this form in alternate format, please contact 360-407-6607 (Voice) or 711 (TTY) or 1-800-833-6388 (TTY).

Ecology is an equal opportunity employer



Spokane County
WATER CONSERVANCY BOARD
Application for Change/Transfer
OF A RIGHT TO THE BENEFICIAL USE OF THE PUBLIC WATERS OF
THE STATE OF WASHINGTON

Report of Examination

NOTE TO APPLICANT: Pursuant to WAC 173-153-130(8), the applicant is not permitted to proceed to act on the proposal until Ecology makes a final decision affirming, in whole or in part, the board's recommendation. It is advised that the applicant not proceed until the appeal period of Ecology's decision is complete.

NOTE TO AUTHOR: Read the instructions for completing a water conservancy board report of examination. Use the F11 key to move through the form.

☐

Surface Water

☒

Ground Water

DATE APPLICATION RECEIVED October 22, 2012	WATER RIGHT DOCUMENT NUMBER (i.e., claim, permit, certificate, etc.) 6276-A	WATER RIGHT PRIORITY DATE July 18, 1958	BOARD-ASSIGNED CHANGE APPLICATION NUMBER SPOK-12-04
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NAME Whitworth Water District #2	(CITY) Spokane	(STATE) WA	(ZIP CODE) 99218
ADDRESS (STREET) 10828 N. Waikiki			

Changes Proposed: ☒ Change purpose ☐ Add purpose ☐ Add irrigated acres ☒ Change point of diversion/withdrawal
 ☒ Add point of diversion/withdrawal ☒ Change place of use ☐ Other (Temporary, Trust, Interties, etc.)

SEPA

The board has reviewed the provisions of the State Environmental Policy Act of 1971, Chapter 43.21C RCW and the SEPA rules, chapter 197-11 WAC and has determined the application is: ☒ Exempt ☐ Not exempt

BACKGROUND AND DECISION SUMMARY

Existing Right (Tentative Determination)

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	500	67.5	Continuous community domestic supply				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
1 Well #4 11623 N. Anna J. Tag # AHC-769							
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
26123.1206	NE	SW	12	26	42	55	Spokane
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS USED							
Within the Community of Kingswood and adjoining areas served by the Washington Water Power Company in T.26 N., R. 42 E.W.M.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Proposed Use

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE	MAXIMUM ACRE-FT/YR	TYPE OF USE, PERIOD OF USE				
	500	67.5	Continuous for Municipal Supply				
SOURCE			TRIBUTARY OF (IF SURFACE WATER)				
1 Well #3c 12225 N. Mayfair Tag # BCE958							
AT A POINT LOCATED: PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE	WRIA	COUNTY.
36082.0417	SW	NW	8	26	43	55	Spokane
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED							
The place of use (POU of this water right is the service area described in the most recent Water System Plan approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.							
PARCEL NO.	¼	¼	SECTION	TOWNSHIP N.	RANGE,		

Board's Decision on the Application

MAXIMUM CUB FT/ SECOND	MAXIMUM GAL/MINUTE 500	MAXIMUM ACRE-FT/YR 67.5	TYPE OF USE, PERIOD OF USE Continuously for Municipal Supply				
SOURCE 1 well #3c 12225 N, Mayfair Tag # BCE958			TRIBUTARY OF (IF SURFACE WATER)				
AT A POINT LOCATED: PARCEL NO. 36082.0417	$\frac{1}{4}$ SW	$\frac{1}{4}$ NW	SECTION 8	TOWNSHIP N. 26	RANGE 43	WRIA 55	COUNTY. Spokane
LEGAL DESCRIPTION OF PROPERTY ON WHICH WATER IS TO BE USED AS APPROVED BY THE BOARD							
The place of use (POU) of this water right is the service area described in the most recent Water System Plan approved by the Washington State Department of Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right							
PARCEL NO.	$\frac{1}{4}$	$\frac{1}{4}$	SECTION	TOWNSHIP N.	RANGE	RANGE,	

DESCRIPTION OF EXISTING POINTS OF WITHDRAWAL

The Anna J Well Tag # AHC-769 is located 1300 ft. South and 300 ft. West of the center of Section 12, T. 26, R. 43 E.W.M. Coordinates: 47 45.829N. 117 26.613W. El. 1689 ft.

DESCRIPTION OF PROPOSED WORKS

Point of withdrawal will be Whitworth Water District's existing well described in the section entitled "Proposed Use" above. No improvements or modifications to the existing well are required by this Record of Decision.

DEVELOPMENT SCHEDULE

BEGIN PROJECT BY THIS DATE: Project is completed	COMPLETE PROJECT BY THIS DATE: Project is completed	COMPLETE CHANGE AND PUT WATER TO FULL USE BY THIS DATE: January 1, 2015
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REPORT

BACKGROUND [See WAC 173-153-130(6)(a)]

On August 22, 2011 The Whitworth Water District #2 filed an application to add/ change the point of withdrawal, change the place of use and change the purpose of use under groundwater certificate 6276-A. The application was accepted at an open public meeting on October 22, 2012, and the board assigned application number SPOK-12-04. The application proposes to add/change the point of withdrawal from the Anna J well located 1300feet south and 300 ft. west of the center of Sec. 12, T. 26 N., R. 42 E.W.M. to the SW $\frac{1}{4}$ NW1/4 of Sec. 8, T. 26 N., R. 43 E.W.M.

Attributes of the water right as currently documented

Name on certificate, claim, permit: The Washington Water Power Company

Water right document number: 6276-A

As modified by certificate of change number:

Priority date, first use: July 18, 1958

Water quantities: Qi: 500 GPM

Qa: 67.5 acre ft./ year

Source: 1 Well

Point of diversion/withdrawal:

Well #1: 1300 feet South and 300 feet West of the center of Sec.12, T. 26 N., R. 42 E.W.M. Parcel # 26123.1206 Well Tag # AHC-769

Purpose of use: Community Domestic Supply

Period of use: Continuous Domestic Supply

Place of use: Area served by the Whitworth Water District No. 2

Existing provisions:

Tentative determination of the water right

The tentative determination is provided on the front page of this report.

History of water use

This water permitted by the existing water right has been used continuously for community domestic supply first by Washington Water Power Company within the Kingswood community and the Washington Water Power's service area and then by Whitworth Water District No. 2 within Whitworth Water District's service area. The quantities are well within the total authorized 67.5 acre feet per year, for continuous domestic supply from 1 well.

Previous changes

SEPA

This application is categorically exempt from the provisions of the State Environmental Policy Act. (SEPA) of 1971, Chapter 43.21C RCW and Chapter 197-11-800 WAC due to the fact the amount of water being withdrawn is less than 2250 gallons per minute.

COMMENT AND PROTESTS [See WAC 173-153-130(6)(b)]

Public notice of the application was published in the Deer Park Tribune on November 7 and 14, 2012
Protest period ended on December 14, 2012

There were no protests received during the 30 day protest period. In addition, no oral and written comments were received at an open public meeting of the board or other means as designated by the board.

INVESTIGATION [See WAC 173-153-130(6)(c)]

On June 26, 2012 Commissioners Doug Rider and Stan Schultz met with Susan Mc George, the General Manager of the Whitworth Water District #2 and visited this well site. 1 Picture was taken and is part of this document. Additional information was found in technical reports, research of department records and conversations with the applicant.

Whitworth Water Dist. #2 purchased the Anna J water system from the Washington Water Power Company on June 27, 1969. The Anna J system was connected to the Whitworth Water Dist. #2 system. The application proposes to add/change the point of withdrawal to an existing Whitworth Water District well to the east in the SW1/4NW1/4 of Sec. 8, T. 26 N., R. 43 E.W.M. The existing Anna J well will be retained for emergency use only.

In 2005 Whitworth Water Dist. #2 made application to DOE for a change/transfer of Water Certificate # 3658-A. Due to back log DOE did not process this change application and DOE then recommended Whitworth Water District #2 make application to the Spokane County Water Conservancy Board. The application was transferred and accepted by the SCWCB on October 22, 2012

Proposed project plans and specifications

Other water rights appurtenant to the property (if applicable)

The Whitworth Water District #2 has several municipal water rights for continuous municipal supply.

Public Interest (groundwater only)

The proposed transfer is subject to and complies with RCW 90.44.100 and therefore, cannot be detrimental to the public interest, including impacts on any watershed planning activities. There have been no protests or letters of concern regarding the proposed application for change, and no findings through this investigation indicated that there would be any detrimental impact to the public welfare through issuance of the proposed change. The proposed change has already occurred. This change does not modify quantities approved and allocated on July 18, 1958. The Whitworth Water District No. 2 is a municipal water supplier with a current water system plan.

Tentative Determination

In order to make a water right change decision, the Board must make a tentative determination on the validity and extent of the right. The Board has made the tentative determination as displayed upon the first page of this report. There are several circumstances that can cause the board's tentative determination to differ from the stated extent of the water right within water right documentation. Water right documents attempt to define a maximum limitation to a water right, rather than the actual extent to which a water right has been developed and maintained through historic beneficial use. Additionally, except for a sufficient cause pursuant to RCW 90.14.140, water rights, in whole or in part, not put to a beneficial use for five consecutive years since 1967 may be subject to relinquishment under Chapter 90.14.130 through 90.14.180 RCW. Water rights may additionally be lost through abandonment. The Board's tentative determination was based upon the following findings: The current water right under 6276-A is a municipal purpose right and not subject to relinquishment. Even if the current water right was subject to relinquishment, Whitworth Water District has used current water right continuously since acquiring the water right and well in 1969, only two years after the 1967 effective date of the relinquishment statute. The

water under 6276-A is currently being used under existing authorized points of withdrawals and thus the right is in good standing.

Geologic, Hydrogeologic, or other scientific investigations (if applicable)

The Anna J well Tag # AHC-769 is a 12 inch diameter and 132 ft. deep. The static level before the pump test was 83 ft. After pumping for 12 hrs. at 1000 g.p.m. the water level draw down was 5 ft. There was immediate static level recovery after pump shutdown.

Whitworth well #3C Tag # BCE958 is a 20 inch diameter and 458 ft. deep. The static water level was 90ft. The pump test was run for 2 hours with a 32 ft. draw down while pumping at 5200 g.p.m.

The Whitworth #3C well is approximately 1.5 miles NE of the Anna J well and at 50ft higher elevation.

It appears that the Anna J well is screened in the Little Spokane River Aquifer (LSRA) and Well 3c is screened in the Spokane Valley Rathdrum Prairie Aquifer (SVRPA). In the vicinity of the two wells, a figure in the Spokane Valley-Rathdrum Prairie Aquifer Atlas (page 14) indicates that the Little Spokane is a gaining reach, being supplied water from the SVRPA. That would indicate that the two wells are in hydraulic communication which in turn, would indicate that these two wells draw water from the same body of water.

Other

CONCLUSIONS [See WAC 173-153-130(6)(d)]

Tentative determination (validity and extent of the right)

Groundwater certificate 6276-A is currently exercised through 1 existing well operated by the Whitworth Water District No. 2. The existing purpose of 6276-A is continuous domestic supply. The right is not relinquished or abandoned and has been in continuous use since 1969 by Whitworth Water District. Groundwater certificate 6276-A is valid.

Relinquishment or abandonment concerns

Groundwater Certificate 6276-A purpose is continuous municipal supply and is not subject to relinquishment. Further, this certificated water right has been use continuously for municipal supply since 1969.

Hydraulic analysis

Based on the Board's investigation above and upon the available maps indicating that the Anna J well and the 3C well are both located within the Spokane Valley-Rathdrum Prairie Aquifer, the Anna J well and the 3C well are drawing from the same water body and in hydraulic continuity.

Consideration of comments and protests

No protests or comments were received.

Impairment

There are no issues of impairment of existing water rights identified with this application.

Public Interest

The proposed transfer is in the public interest because it is subject to and complies with RCW 90.44 100 as stated above and The Whitworth Water District No. 2 is a municipal water supplier and this transfer will assist the District in fulfilling its water supply requirements in the Districts service as determined by the District's most recently approved water system plan.

DECISION [See WAC 173-153-130(6)(e)]

Ground Water Certificate 6276-A is valid and approved for the transfer of 500 gallons per minute; 67.5 acre feet per year to the Whitworth Water District #2 for continuous municipal supply. The Anna J well shall be taken out of normal service and used only in the event of an emergency. In the event the Anna J well is no longer used or kept in reserve for emergencies, Whitworth Water District #2 shall decommission the Anna J well in accordance with Chapter 18.104 RCW and Chapter 173-160 WAC.

PROVISIONS [See WAC 173-153-130(6)(f)]

Conditions and limitations

An approved measuring device shall be installed and maintained for each of the sources identified herein in accordance with the rule "Requirements for Measuring and Reporting Water Use", Chapter 173-173 WAC. Water use data shall be recorded weekly and maintained by the property owner for a minimum of five years, and shall be promptly submitted to Ecology upon request.

The rule above describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition Ecology for modifications to some of the requirements. Installation, operation and

maintenance requirements are enclosed as a document entitled "Water Measurement Device Installation and Operation Requirements".

Department of Ecology personnel, upon presentation of proper credentials, shall have access at reasonable times, to the records of water use that are kept to meet the above conditions, and to inspect at reasonable times any measuring device used to meet the above conditions.

WAC 173-173 describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

The amount of water granted is a maximum limit that shall not be exceeded and the water user shall be entitled only to that amount of water within the specified limit that is beneficially used and required.

The water source and/or water transmission facilities are not wholly located upon the land owned by the applicant. Issuance of a permit by this Department for appropriation of the waters in question does not convey a right of access to, or other right to use, land which the applicant does not legally possess. Obtainment of such right is a private matter between applicant and owner of that land.

This authorization to make use of public waters of the State is subject to existing rights, including any existing rights held by the United States for the benefit of Indians under treaty or otherwise.

The geographic area served by the Whitworth Water District #2 is defined by regulations and management programs administered by other state and local jurisdictions. The place of use defined on this water right shall be that established area.

Nothing in this authorization shall be construed as satisfying other applicable federal, state, or local statutes, ordinances, or regulations.

The installation of an access port, described in Ground Water Bulletin #1, shall be required prior to issuance of a final certificate of water right. In addition, an airline and pressure gauge shall be installed and maintained in operating condition. The pressure gauge shall be equipped with a standard tire valve and placed in an accessible location. The airline shall extend from land surface to the top of the pump bowls and the total airline length shall be reported to the Department of Ecology upon completion of the pump system.

All water wells constructed within the State shall meet the minimum standards for construction and maintenance as provided under RCW 18.104 (Washington Water Well Construction Act of 1971) and Chapter 173-160 WAC (Minimum Standards for Construction and Maintenance of Water Wells).

A well log of the completed well shall be submitted by the driller to the Department of Ecology within thirty (30) days of completion of this well. This well log shall be complete and all information concerning the static water level in the completed well in addition to any pump test data shall be submitted as it is obtained

Use of water under this authorization shall be contingent upon the water right holder's utilization of up to date water conservation practices and maintenance of efficient water delivery systems consistent with established regulation requirements and facility capabilities

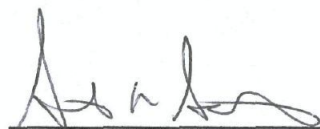
A certificate of water right will not be issued until a final examination is made.

Construction Schedule

Construction has been completed and the water will be in use by January 1, 2015.

The undersigned board commissioner certifies that he/she understands the board is responsible "to ensure that all relevant issues identified during its evaluation of the application, or which are raised by any commenting party during the board's evaluation process, are thoroughly evaluated and discussed in the board's deliberations. These discussions must be fully documented in the report of examination." [WAC 173-153-130(5)] The undersigned therefore, certifies that he/she, having reviewed the report of examination, knows and understands the content of this report and concurs with the report's conclusions.

Signed at Spokane Valley, Washington
This 28 th. day of January, 2013



Stanley R. Schultz, Member
Spokane County Water Conservancy Board